



PTO/SB/21 (08-00)  
Approved for use through 10/31/2002. OMB 0651-0031

GP/266/4

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22883

Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

# TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Application Number

09/106,519

Filing Date

Jun 29, 1998

First Named Inventor

McCloghrie

Group Art Unit

2661

Examiner Name

Bob Phunkulh

Total Number of Pages in This Submission

8+

Attorney Docket Number

102.1043.01

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## ENCLOSURES (check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Assignment Papers <i>(for an Application)</i>	<input type="checkbox"/> After Allowance Communication to Group
<input checked="" type="checkbox"/> Fee Attached Credit Card Payment Form PTO-2038	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment / Reply	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Group <i>(Appeal Notice, Brief, Reply Brief)</i>
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Petition to Convert a Provisional Application	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input checked="" type="checkbox"/> Other Enclosure(s) <i>(please identify below):</i>
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	<input checked="" type="checkbox"/> PTO Form SB08A (3 pgs.) Copies of References Return Postcard
<input checked="" type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Response to Missing Parts/ Incomplete Application		<b>Remarks</b>
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Steven A. Swernofsky	Reg. no. 33,040
Signature		
Date	12-10-2001	

## CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231 on this date: **12-10-01**

Type or printed name	Arlette Malhas, Paralegal		
Signature		Date	12-10-01

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# FEE TRANSMITTAL for FY 2002

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT (\$180.00)

Complete if Known

Application Number 09/106,519

Filing Date 6/29/1998

First Named Inventor McCloghrie, et al.

Examiner Name Bob Phunkulh

Group/Art Unit 2661

Attorney Docket No. 102.1043.01

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**METHOD OF PAYMENT** (check one)

1.  The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit Account Number

50-0365

Deposit Account Name

Swernofsky Law Group

- Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17  
 Applicant claims small entity status. See 37 CFR 1.27

2.  Payment Enclosed:

Check  Credit card  Money Order  Other

**FEE CALCULATION**
**1. BASIC FILING FEE**

Large Entity Fee Code	Fee (\$)	Small Entity Fee Code	Fee (\$)	Fee Description	Fee Paid
101	740	201	370	Utility filing fee	
106	330	206	165	Design filing fee	
107	510	207	255	Plant filing fee	
108	740	208	370	Reissue filing fee	
114	160	214	80	Provisional filing fee	

SUBTOTAL (1) (\$)

**2. EXTRA CLAIM FEES**

Total Claims	-20**=	Extra Claims	X	Fee from Below	=	Fee Paid
Independent Claims	- 3**=		X		=	
Multiple Dependent					=	

Large Entity Fee Code	Fee (\$)	Small Entity Fee Code	Fee (\$)	Fee Description
103	18	203	9	Claims in excess of 20
102	84	202	42	Independent claims in excess of 3
104	280	204	140	Multiple dependent claim, if not paid
109	84	209	42	**Reissue independent claims over original patent
110	18	210	9	**Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$)

\*\*or number previously paid, if greater; For Reissues, see below

**FEE CALCULATION** (continued)

**3. ADDITIONAL FEES**

Large Entity Fee Code	Fee (\$)	Small Entity Fee Code	Fee (\$)	Fee Description	Fee Paid
105	130	205	65	Surcharge - late filing fee or oath	
127	50	227	25	Surcharge - late provisional filing fee or cover sheet	
139	130	139	130	Non-English specification	
147	2,520	147	2,520	For filing a request for reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within first month	
116	400	216	200	Extension for reply within second month	
117	920	217	460	Extension for reply within third month	
118	1,440	218	720	Extension for reply within fourth month	
128	1,960	228	980	Extension for reply within fifth month	
119	320	219	160	Notice of Appeal	
120	320	220	160	Filing a brief in support of an appeal	
121	280	221	140	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive - unavoidable	
141	1,280	241	640	Petition to revive - unintentional	
142	1,280	242	640	Utility issue fee (or reissue)	
143	460	243	230	Design issue fee	
144	620	244	310	Plant issue fee	
122	130	122	130	Petitions to the Commissioner	
123	50	123	50	Petitions related to provisional applications	
126	180	126	180	Submission of information Disclosure Stmt	
581	40	581	40	Recording each patent assignment per property (times number of properties)	180.00
146	740	246	370	Filing a submission after final rejection (37 CFR § 1.129(a))	
149	740	249	370	For each additional invention to be examined (37 CFR § 1.129(b))	
179	740	279	370	Request for Continued Examination (RCE)	
169	900	169	900	Request for expedited examination of a design application	

Other fee (specify)

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$180.00)

SUBMITTED BY		Complete if applicable		
Name (Print/Type)	Steven A. Swernofsky	Registration No. (Attorney/Agent)	33,040	Telephone 650-947-0700
Signature				
Date	12-10-2001			

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Attorney Docket 102.1043.01 12-21-01

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: McCloghrie  
Serial No. 09/106,519  
Filed: 6/29/1998  
For: Sampling Packets for Network Monitoring

Art Unit: 2661  
Examiner: Bob Phunkulh

CERTIFICATE OF MAILING

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Assistant Commissioner for Patents  
Washington, D.C. 20231

on 12-10-01 by *Arlette Malhas*  
Date Arlette Malhas, Paralegal

**INFORMATION DISCLOSURE STATEMENT**

Honorable Assistant Commissioner  
for Patents  
Washington, D.C. 20231

Dear Sir:

This Information Disclosure Statement is submitted under:

- 37 CFR 1.97(b)  
(Within three months of the national application filing or the entry of international application, OR before the mailing date of first Office Action, whichever occurs last.)
- 37 CFR 1.97(c) together with either a:  
 Statement under 37 CFR 1.97(e)  
or  \$180.00 fee set forth in 37 CFR 1.17(p)  
(After the CFR 1.97(b) time period, but before final Office Action or Notice of Allowance, whichever occurs first.)
- 37 CFR 1.97(d) together with a:  
 Statement under 37 CFR 1.97(e)  
and  \$180.00 fee set forth in 37 CFR 1.17(p)  
(After the CFR 1.97(c) time period, but before payment of the Issue fee.)



List of Documents

Applicant(s) submits herewith:

- Form PTO SB/08A (Information Disclosure Statement by Applicant) listing patent document(s) of which applicant(s) believes might be material to the examination of this application and for which there might be a duty to disclose in accordance with 37 CFR 1.56.
- Form PTO SB/08B (Information Disclosure Statement by Applicant) listing non-patent document(s) of which applicant(s) believes might be material to the examination of this application and for which there might be a duty to disclose in accordance with 37 CFR 1.56.

Copies of Documents

- Applicant(s) submits herewith copies of all listed documents.
- Copies of the listed documents are not included with this filing. Copies of these documents were previously submitted in the following related application:

Docket No.: \_\_\_\_\_  
Serial No.: \_\_\_\_\_  
Filed: \_\_\_\_\_

THE EXAMINER IS ENCOURAGED AND EXHORTED TO MAKE HIS OR HER OWN INDEPENDENT EVALUATION OF POSSIBLE RELEVANCE OF THE LISTED DOCUMENTS.

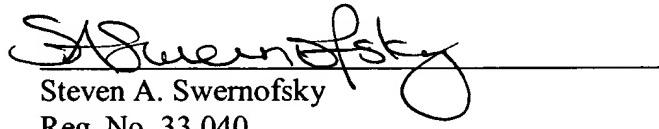
At the present time, Applicant(s) submits that the listed document(s), taken alone or in combination, neither anticipate nor render obvious the present invention. Consideration of the foregoing in relation to this application is respectfully requested.

In the event fees are required, authorization is hereby granted to charge these fees to Deposit Account No. 50-0365.

It is requested that the information disclosed herein be made of record in this application.

Respectfully submitted,

Date: 12-10-2001

  
Steven A. Swernofsky  
Reg. No. 33,040

Swernofsky Law Group  
P.O. Box 390013  
Mountain View, CA 94039-0013  
(650) 947-0700

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**Substitute for form 1449A/PTO**

## **INFORMATION DISCLOSURE STATEMENT BY APPLICANT**

(use as many sheets as necessary)

Sheet 1 of 2

**Complete if Known**

Application Number	09/106,519
Filing Date	6/29/1998
First Named Inventor	McCloghrie
Group Art Unit	2661
Examiner Name	Bob Phunkulh
Attorney Docket Number	102.1043.01

Digitized by srujanika@gmail.com

## **U.S. PATENT DOCUMENTS**

Examiner Initials*	Cite No <sup>1</sup>	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number	Kind Code <sup>2</sup> (if known)			
	1	4,905,233		Cain et al.	02-27-1990	
	2	5,115,495		Tsuchiya et al.	05-19-1992	
	3	5,128,926		Perlman et al.	07-07-1992	
	4	5,189,662		Kleine-Altekamp	02-23-1993	
	5	5,233,604		Ahmadi et al.	08-03-1993	
	6	5,325,358		Goeldner	06-28-1994	
	7	5,325,504		Tipley et al.	06-28-1994	
	8	5,335,224		Cole et al.	08-02-1994	
	9	5,394,408		Nishihara et al.	02-28-1995	
	10	5,432,784		Ozveren	07-11-1995	
	11	5,436,886		McGill	07-25-1995	
	12	5,448,559		Hayter et al.	09-05-1995	
	13	5,452,294		Natarajan	09-19-1995	
	14	5,524,254		Morgan et al.	06-04-1996	
	15	5,539,737		Lo et al.	07-23-1996	
	16	5,550,816		Hardwick et al.	08-27-1996	
	17	5,590,122		Sandorfi et al.	12-31-1996	
	18	5,596,723		Romohr	01-21-1997	
	19	5,598,532		Liron	01-28-1997	
	20	5,608,908		Barghouti et al.	03-04-1997	

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## **FOREIGN PATENT DOCUMENTS**

<b>Examiner Signature</b>		<b>Date Considered</b>	
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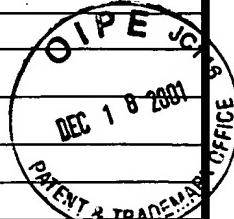
\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup>Unique citation designation number. <sup>2</sup>See attached Kinds of U.S. Patent Documents. <sup>3</sup>Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup>For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup>Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup>Applicant is to place a check mark here if English language Translation is attached.

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Substitute for form 1449A/PTO				PATENT TRADEMARK OFFICE <i>Complete if Known</i>	
<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>				Application Number	09/106,519
(use as many sheets as necessary)				Filing Date	6/29/1998
				First Named Inventor	McCloghrie
				Group Art Unit	2661
				Examiner Name	Bob Phunkuh
Sheet	2	of	2	Attorney Docket Number	102.1043.01



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Examiner Initials*	Cite No <sup>1</sup>	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines Where Relevant Passages & Relevant Figures Appear
		Number	Kind Code <sup>2</sup> (if known)			
	21	5,613,096		Danknick	03-18-1997	
	22	5,634,011		Auerbach et al.	05-27-1997	
	23	5,644,713		Makishima	07-01-1997	
	24	5,691,984		Gardner et al.	11-25-1997	
	25	5,761,192		Hummel	06-02-1998	
	26	5,774,698		Olnowich	06-30-1998	
	27	5,793,745		Manchester	08-11-1998	
	28	5,796,736		Suzuki	08-18-1998	
	29	5,802,042		Natarajan et al.	09-01-1998	
	30	5,859,837		Crayford	01-12-1999	
	31	5,909,440		Ferguson et al.	06-01-1999	
	32	5,914,953		Krause et al.	06-22-1999	
	33	5,978,115		Condict et al.	11-02-1999	
	34	5,996,021		Civanlar et al.	11-30-1999	
	35	6,011,780		Vaman et al.	01-04-2000	
	36	6,023,733		Periasamy et al.	02-08-2000	
	37	6,032,194		Gai et al.	02-29-2000	
	38	6,111,877		Wilford et al.	08-29-2000	
	39	6,219,739		Dutt et al.	04-17-2001	
	40	6,229,787		Byrne	05-08-2001	

## **FOREIGN PATENT DOCUMENTS**

Examiner Signature		Date Considered	
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<sup>1</sup>Unique citation designation number. <sup>2</sup>See attached Kinds of U.S. Patent Documents. <sup>3</sup>Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup>For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup>Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup>Applicant is to place a check mark here if English language Translation is attached.

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